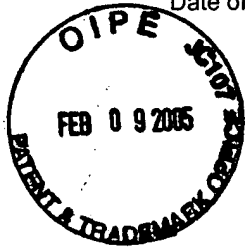


"Express Mail" Mailing Label No. EV 314 910 441 US

Date of Deposit: February 9, 2005



BHGL Case No. 6270/131  
(Client Ref. No. 300131)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
 )  
 Bryan J. Gilbert et al. )  
 )  
 Serial No. 10/712,960 ) Examiner: E. Raymond  
 )  
 Filing Date: November 13, 2003 ) Group Art Unit No. 2857  
 )  
 For INTELLIGENT ELECTRONIC )  
 DEVICE HAVING NETWORK )  
 ACCESS )

**REQUEST TO SUSPEND ACTION PURSUANT TO 37 C.F. R. § 1.103(a) AND  
MPEP § 709**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby request suspension of action in the above captioned case for good and sufficient cause pursuant to 37 C.F.R. § 1.103(a) and MPEP § 709. The petition fee set forth in 37 C.F.R. § 1.17(h) is included herewith.

In particular, the above captioned application includes claims copied from U.S. Patent No. 6,751,563 for the purposes of interference. The above captioned application was then subject to an Office Action, dated July 19, 2004 and a Supplemental Office Action, dated August 20, 2004, in which the copied claims were rejected by the Examiner. A response to the outstanding Action is included herewith. In light of the rejections in the Office Actions of July 19, 2004 and August 20, 2004, Applicants have filed a request for reexamination of U.S. Patent No. 6,751,563 which was ordered on December 10, 2004 as Re-Exam Serial No.

02/14/2005 EABUBAK1 00000102 231925 10712960

02 FC:1463 70.00 DA 130.00 OP

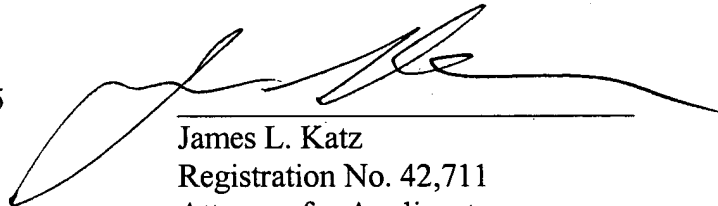
90/007,227. Applicants are requesting suspension of action in the above captioned case pending the outcome of the reexamination of U.S. Patent No. 6,751,563.

**CONCLUSION**

The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

Date: February 9, 2005

A handwritten signature in black ink, appearing to read 'James L. Katz', is written over a horizontal line.

James L. Katz  
Registration No. 42,711  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

IFU  
#

A circular black and white stamp. The outer ring contains the text "OIP" at the top and "PATENT &amp; TRADEMARK OFFICE" at the bottom. The center of the stamp contains the date "FEB 09 2005". Above the stamp, the text "Date of Depo" is partially visible.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

)  
)  
)  
) Examiner: E. Raymond  
)  
) Group Art Unit No. 2857  
)  
)  
)  
)  
)

The rejections from the Supplemental Office Action of August 20, 2004 are discussed below in connection with the various claims. No new matter has been added. Reconsideration of the application is respectfully requested in light of the following remarks.

Claims 1-45 and 50-55 under 35 U.S.C. § 112, second paragraph, as being indefinite. These claims are substantially similar and, in particular with regards to claims 50-53, include claims which were copied from U.S. Patent No. 6,751,563 ("Spanier") for the purposes of interference. To the extent that these claims are indefinite, so are the claims of Spanier. Accordingly, Applicants submit that these claims are not indefinite. However, the question of their definiteness is being determined by re-examination.

Further, claims 1-55 were rejected under 35 U.S.C. § 102(b) as being anticipated by Bearden. These claims are substantially similar and, in particular with regards to claims 50-53, include claims which were copied from Spanier for the purposes of interference. To the extent that these claims are anticipated, so are the claims of Spanier. Accordingly, Applicants submit that these claims are not anticipated. However, the question of their anticipation is being determined by re-examination.

For at least these reasons, the pending claims are not indefinite and are not anticipated by Bearden et al. Accordingly, Applicants request that the Examiner withdraw these rejections of the pending claims.

#### **REQUEST TO SUSPEND PROSECUTION**

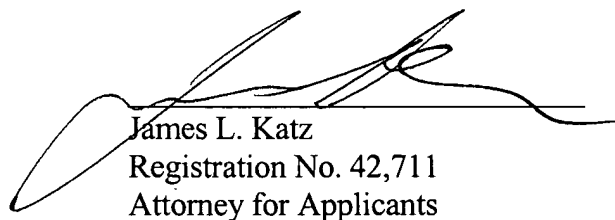
Applicants herein request that the Examiner consider and act upon Applicants' Request to Suspend Prosecution, included herewith, prior to issuing the next office action.

### CONCLUSION

Each of the rejections in the Supplemental Office Action of August 20, 2004 has been addressed and no new matter has been added. Applicants submit that all of the pending claims are in condition for allowance and notice to this effect is respectfully requested. The Examiner is invited to call the undersigned if it would expedite the prosecution of this application.

Respectfully submitted,

Date: February 9, 2005



James L. Katz  
Registration No. 42,711  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200